

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANDREW APPLE; PASCAL ARMSTRONG;  
MAURICE GRIFFIN; KATHLEEN NOREIGA;  
KIMRON PRIME; JONATHAN SILVA; and  
CLARENCE STEWART,

Plaintiffs,

-against-

ATLANTIC YARDS DEVELOPMENT  
COMPANY, LLC; BROOKLYN ARENA LLC;  
BROOKLYN UNITED FOR INNOVATIVE  
LOCAL DEVELOPMENT; JAMES  
CALDWELL; FOREST CITY RATNER  
COMPANIES, LLC; FOREST CITY  
ENTERPRISES, INC; GAUSIA JONES; JANE  
MARSHALL; ORBIN'S BIG GREEN  
MACHINE; and BRUCE RATNER,

Defendants.  
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CV 11-5550 (JBW) (JA)

**NOTICE OF MOTION**

Please take notice that, upon the accompanying memorandum of law, declaration of Harold P. Weinberger dated February 15, 2012 and the exhibit annexed thereto, and all other papers and proceedings in this action, defendants Atlantic Yards Development Company, LLC, Brooklyn Arena, LLC, Forest City Ratner Companies, LLC, Forest City Enterprises, Inc., Jane Marshall, Bruce Ratner (collectively, the "Forest City defendants"), Brooklyn United for Innovative Local Development, and James Caldwell (together, the "BUILD defendants"), by their undersigned counsel, will move this Court, before the Honorable Jack B. Weinstein, United States District Judge, at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, on April 17, 2012 at 10:00 a.m., for entry of an order dismissing the following claims in the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil

Procedure and awarding such other and further relief as the Court deems just and proper: (i) the Fourth Cause of Action under General Business Law Section 349 as against the Forest City and BUILD defendants; (ii) the Fifth and Sixth Causes of Action for breach of contract as against defendants Ratner, Marshall and Caldwell; (iii) the Seventh Cause of Action for promissory estoppel as against the Forest City and BUILD defendants; (iv) the Third Cause of Action for fraudulent inducement as against the Forest City and BUILD defendants; (v) the Eighth Cause of Action for unjust enrichment as against the Forest City and BUILD defendants; and (vi) the First and Second Causes of Action for violations of the Fair Labor Standards Act and New York Labor Law claims as against the Forest City defendants.

Dated: New York, New York  
February 15, 2012

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By: /s/ Harold P. Weinberger  
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